

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-4, 6-9, 13-18, 20-23, and 27 are pending in the present amendment, Claims 1, 13, 15, and 27 having been amended. Support for amendments to the claims is believed to be self-evident from the originally filed specification.¹ Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claim 27 was rejected under 35 U.S.C. §101; Claims 1-4, 6-9, 13-18, 20-23, and 27 were rejected under 35 U.S.C. §103(a) as unpatentable over Lockridge (U.S. Pat. Pub. No 2003/0110240, herein Lockridge) in view of Nessett et al. (U.S. Pat. No. 6,865,673, herein Nessett).

With respect to the rejection under 35 U.S.C. §101, Claim 27 is amended to recite "non-transitory," as suggested by the Office Action. It is noted that "non-transitory" is a limitation of the medium itself (i.e., tangible, not a signal) as opposed to a limitation on data storage persistency (e.g., RAM vs. ROM).

With respect to the rejection of Claim 1 as unpatentable over Lockridge and Nessett, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

the pre-determined number of the empty slots being set to change from empty to closed after a predetermined amount of time has lapsed, a closed slot being a slot on the MAC list that cannot be occupied by any device...and

a control unit configured to change the pre-determined number of the empty slots from empty to closed in response to the lapse of the predetermined amount of time so that no empty slots exist in the MAC list.

¹ See, for example, page 18, line 8, page 20, lines 5-17, and page 22, lines 24-25 of the originally filed specification.

Lockridge and Nessett, taken alone or in proper combination, do not disclose or suggest every element of amended Claim 1.

Page 2 of the Office Action states “Since a device with a conflicting MAC address is not allowed to register with the network, the slot for that MAC address can be said to be closed.” Claim 1 is amended to further define “closed.” Particularly, a closed slot in the invention defined by Claim 1 is a slot that cannot be occupied by any device. This is regardless of a conflicting MAC address. In other words, devices with conflicting MAC addresses and devices with unique MAC addresses cannot be included in the closed slots of the MAC list. A situation where a device has a conflicting MAC address does not correspond to the use of a closed slot in amended Claim 1. Amended Claim 1 is different from the characterization of Lockridge provided by the Office Action. Lockridge does not describe closed slots that are closed to devices with conflicting and unique MAC addresses.²

Furthermore, Claim 1 is amended to further clarify that after the lapse of the predetermined amount of time, the pre-determined number of empty slots are changed to closed slots “so that no empty slots exist in the MAC list.” Lockridge does not describe a “control unit configured to change the pre-determined number of the empty slots from empty to closed in response to the lapse of the predetermined amount of time so that no empty slots exist in the MAC list.”

Applicants respectfully submit that Nessett does not disclose the claimed “a control unit configured to change the pre-determined number of the empty slots from empty to closed in response to the lapse of the predetermined amount of time so that no empty slots exist in the MAC list.” Col. 4, lines 20-25 of Nessett states that a “network security management system may optionally reject the connection from the device if connection occurred outside of the window of time the consumer allocated to installation of the device.” There is no

² See, Lockridge, paragraph [0020].

description or suggestion that this applies to a MAC list. Evidence that a person of ordinary skill in the art, at the time the present invention was made, could connect the window of time of Nessett to the MAC list of Lockridge is missing from the record.

The above-noted portion of Nessett does not suggest to a person of ordinary skill in the art to change empty slots to closed slots “so that no empty slots exist in the MAC list,” which in effect prevents any device from being added to the MAC list. There is no evidence in the record to show that a person of ordinary skill in the art would use the window of time in Nessett as a trigger to change slots from empty to closed in a MAC list.

Moreover, there are other ways to reject a connection, such as denying connections to the IP address. Col. 4, lines 23-25 of Nessett specifically states that the IP address of the device is stored. Thus, in the context of Nessett, there is no suggestion to use the window of time in conjunction with a MAC list to change the empty slots to closed slots and prevent devices from being added to the MAC list.

Thus, Nessett does not disclose or suggest the claimed “control unit configured to change the pre-determined number of the empty slots from empty to closed in response to the lapse of the predetermined amount of time so that no empty slots exist in the MAC list.”

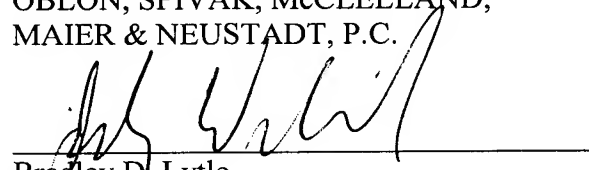
In view of the above-noted deficiencies, a person of ordinary skill in the art could not properly combine Lockridge and Nessett to arrive at the invention defined by amended Claim 1.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Lockridge and Nessett, taken alone or in proper combination. Claims 13, 15, and 27 recite elements analogous to those of Claim 1. Thus, Claims 13, 15, and 27 (and any claims dependent thereon) patentably distinguish over Lockridge and Nessett, taken alone or in proper combination, for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Bradley D. Lytle', is written over a horizontal line.

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